

103^D CONGRESS
1ST SESSION

H. R. 2367

To amend the Internal Revenue Code of 1986 to restore the deduction for the health insurance costs of self-employed individuals, to provide incentives for certain medical practitioners to practice in rural areas, to provide for the creation of medical savings accounts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1993

Mr. BAKER of Louisiana introduced the following bill; which was referred jointly to the Committees on Ways and Means, Energy and Commerce, and the Judiciary

A BILL

To amend the Internal Revenue Code of 1986 to restore the deduction for the health insurance costs of self-employed individuals, to provide incentives for certain medical practitioners to practice in rural areas, to provide for the creation of medical savings accounts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Health Care Accessibil-
5 ity Expansion Act of 1993”.

1 **SEC. 2. FULL DEDUCTION FOR HEALTH INSURANCE COSTS**
2 **OF SELF-EMPLOYED INDIVIDUALS.**

3 (a) DEDUCTION MADE PERMANENT.—

4 (1) IN GENERAL.—Subsection (l) of section 162
5 of the Internal Revenue Code of 1986 (relating to
6 special rules for health insurance costs of self-em-
7 ployed individuals) is amended by striking paragraph
8 (6).

9 (2) CONFORMING AMENDMENT.—Subsection (a)
10 of section 110 of the Tax Extension Act of 1991 is
11 amended by striking paragraph (2).

12 (3) EFFECTIVE DATE.—The amendments made
13 by this subsection shall apply to taxable years begin-
14 ning after December 31, 1991.

15 (b) DEDUCTION INCREASED TO 100 PERCENT.—

16 (1) IN GENERAL.—Paragraph (1) of section
17 162(l) of such Code is amended by striking “25 per-
18 cent” and inserting “100 percent”.

19 (2) EFFECTIVE DATE.—The amendment made
20 by paragraph (1) shall apply to taxable years begin-
21 ning after December 31, 1993.

22 **SEC. 3. CREDIT FOR MEDICAL PRACTITIONERS COMMENC-**
23 **ING MEDICAL PRACTICE IN RURAL AREAS.**

24 (a) IN GENERAL.—Subpart A of part IV of sub-
25 chapter A of chapter 1 of the Internal Revenue Code of
26 1986 (relating to nonrefundable personal credits) is

1 amended by inserting after section 22 the following new
2 section:

3 **“SEC. 23. CERTAIN MEDICAL PRACTITIONERS COMMENC-**
4 **ING MEDICAL PRACTICE IN RURAL AREAS.**

5 “(a) ALLOWANCE OF CREDIT.—In the case of an eli-
6 gible medical practitioner who commences a medical prac-
7 tice in a rural area, there is allowed as a credit against
8 the tax imposed by this subtitle for the taxable year during
9 which such commencement occurs, and for each of the 4
10 succeeding taxable years, an amount equal to \$5,000.

11 “(b) LIMITATION.—No credit shall be allowed under
12 subsection (a) with respect to any taxable year in which
13 the taxpayer practices a medical practice in the rural area
14 for less than 9 months or ceases to practice a medical
15 practice in the rural area.

16 “(c) DEFINITIONS.—For purposes of this section—

17 “(1) ELIGIBLE MEDICAL PRACTITIONER.—The
18 term ‘eligible medical practitioner’ means any physi-
19 cian, nurse practitioner, or certified physician assist-
20 ant.

21 “(2) PHYSICIAN.—The term ‘physician’ means
22 a doctor of medicine or osteopathy legally authorized
23 to practice medicine and surgery by the State in
24 which such individual performs such function or ac-
25 tion.

1 “(3) COMMENCES PRACTICE.—The term ‘com-
2 mences practice’ means the location or relocation of
3 an eligible medical practitioner’s principal place of
4 medical practice to a rural area. Such term does not
5 include the relocation of a practitioner’s medical
6 practice from 1 rural area to another rural area.

7 “(4) RURAL AREA.—The term ‘rural area’
8 means any area that is not within any metropolitan
9 statistical area (as defined by the Secretary of Com-
10 merce).

11 “(d) RECAPTURE OF CREDIT.—

12 “(1) IN GENERAL.—If, a taxpayer who is al-
13 lowed a credit under subsection (a) ceases medical
14 practice in a rural area during any taxable year,
15 then the tax of the taxpayer under this chapter for
16 such taxable year shall be increased by an amount
17 equal to the sum of the credits allowed under sub-
18 section (a) for the 5 preceding taxable years.

19 “(2) NO CREDITS AGAINST TAX.—Any increase
20 in tax under this subsection shall not be treated as
21 a tax imposed by this chapter for purposes of deter-
22 mining—

23 “(A) the amount of any credit under this
24 part, or

1 “(B) the amount of the tax under section
2 55.”

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for subpart A of part IV of subchapter A of chapter 1
5 of such Code is amended by inserting after the item relat-
6 ing to section 22 the following new item:

“Sec. 23. Certain medical practitioners commencing medical prac-
tice in rural areas.”

7 (c) EFFECTIVE DATE.—The amendments made by
8 this section shall apply to taxable years beginning after
9 December 31, 1993.

10 **SEC. 4. DEDUCTION FOR MEDICAL SCHOOL EDUCATION**
11 **LOAN INTEREST INCURRED BY CERTAIN**
12 **MEDICAL PRACTITIONERS SERVING IN**
13 **RURAL AREAS.**

14 (a) IN GENERAL.—Paragraph (1) of section 163(h)
15 of the Internal Revenue Code of 1986 (relating to dis-
16 allowance of deduction for personal interest) is amended
17 by striking “and” at the end of subparagraph (D), by re-
18 designating subparagraph (E) as subparagraph (F), and
19 by inserting after subparagraph (D) the following new
20 subparagraph:

21 “(E) any qualified medical education loan
22 interest (within the meaning of paragraph (5)),
23 and”.

1 (b) QUALIFIED MEDICAL EDUCATION LOAN INTER-
2 EST DEFINED.—Subsection (h) of section 163 of such
3 Code is amended by redesignating paragraph (5) as para-
4 graph (6) and by inserting after paragraph (4) the follow-
5 ing new paragraph:

6 “(5) QUALIFIED MEDICAL EDUCATION LOAN IN-
7 TEREST.—

8 “(A) IN GENERAL.—The term ‘qualified
9 medical education loan interest’ means inter-
10 est—

11 “(i) which is on a medical education
12 loan of an eligible medical practitioner (as
13 defined in section 23(c)),

14 “(ii) which is paid or accrued by such
15 practitioner, and

16 “(iii) which accrues during the period
17 during which the practitioner is eligible to
18 receive a credit under section 23(c).

19 “(B) MEDICAL EDUCATION LOAN.—The
20 term ‘medical education loan’ means indebted-
21 ness incurred to pay the individual’s—

22 “(i) qualified tuition and related ex-
23 penses (as defined in section 117(b)) in-
24 curred for the medical education of such
25 individual, or

1 “(ii) reasonable living expenses while
 2 away from home in order to attend an edu-
 3 cational institution described in section
 4 170(b)(1)(A)(ii) for the medical education
 5 of such individual.

6 “(C) RURAL AREA.—The term ‘rural area’
 7 means any area that is not within any metro-
 8 politan statistical area (as defined by the Sec-
 9 retary of Commerce).”

10 (c) EFFECTIVE DATE.—The amendments made by
 11 this section shall apply to taxable years ending after the
 12 date of the enactment of this Act.

13 **SEC. 5. MEDICAL SAVINGS ACCOUNTS.**

14 (a) IN GENERAL.—Part VII of subchapter B of chap-
 15 ter 1 of the Internal Revenue Code of 1986 (relating to
 16 additional itemized deductions for individuals) is amended
 17 by redesignating section 220 as section 221 and by insert-
 18 ing after section 219 the following new section:

19 **“SEC. 220. MEDICAL SAVINGS ACCOUNTS.**

20 “(a) DEDUCTION ALLOWED.—In the case of an eligi-
 21 ble individual, there shall be allowed as a deduction
 22 amounts paid in cash during the taxable year by or on
 23 behalf of such individual to a medical savings account.

24 “(b) LIMITATION.—

1 “(1) IN GENERAL.—The amount allowable as a
2 deduction under subsection (a) to an individual for
3 the taxable year shall not exceed the excess (if any)
4 of—

5 “(A) the lesser of—

6 “(i) the applicable limit, or

7 “(ii) the compensation (as defined in
8 section 219(f)) includible in the individ-
9 ual’s gross income for the taxable year,
10 over

11 “(B) the sum of—

12 “(i) the value of employer-provided
13 coverage for the medical expenses of such
14 individual, plus

15 “(ii) the aggregate amount contrib-
16 uted to such account during the taxable
17 year pursuant to section 125(d)(3).

18 “(2) APPLICABLE LIMIT.—For purposes of
19 paragraph (1), the applicable limit is the sum of—

20 “(A) \$4,800, plus

21 “(B) \$1,000 for each individual who is a
22 dependent (as defined in section 152) of the in-
23 dividual for whose benefit the account is estab-
24 lished.

1 “(c) DEFINITIONS AND SPECIAL RULES.—For pur-
2 poses of this section—

3 “(1) MEDICAL SAVINGS ACCOUNT.—The term
4 ‘medical savings account’ means a trust created or
5 organized in the United States exclusively for the
6 purpose of paying the qualified medical expenses of
7 the individual for whose benefit the trust is estab-
8 lished, but only if the written governing instrument
9 creating the trust meets the following requirements:

10 “(A) No contribution will be accepted un-
11 less it is in cash and contributions will not be
12 accepted for any taxable year in excess of the
13 applicable limit (as defined in subsection
14 (b)(2)).

15 “(B) The trustee is a bank (as defined in
16 section 408(n)) or another person who dem-
17 onstrates to the satisfaction of the Secretary
18 that the manner in which such person will ad-
19 minister the trust will be consistent with the re-
20 quirements of this section.

21 “(C) No part of the trust assets will be in-
22 vested in life insurance contracts.

23 “(D) The assets of the trust will not be
24 commingled with other property except in a

1 common trust fund or common investment
2 fund.

3 “(2) ELIGIBLE INDIVIDUAL.—The term ‘eligible
4 individual’ means any individual if—

5 “(A) such individual is not covered by any
6 employer-provided group health plan, or

7 “(B) such individual is covered by an em-
8 ployer-provided group health plan which is a
9 qualified catastrophic coverage health plan and
10 is not covered by any other health plan.

11 “(3) QUALIFIED MEDICAL EXPENSES.—

12 “(A) IN GENERAL.—The term ‘qualified
13 medical expenses’ means—

14 “(i) medical expenses, and

15 “(ii) amounts paid for qualified long-
16 term care insurance.

17 “(B) MEDICAL EXPENSES.—The term
18 ‘medical expenses’ means amounts paid by the
19 individual for whose benefit the account was es-
20 tablished for medical care (as defined in section
21 213) of such individual, the spouse of such indi-
22 vidual, and any dependent (as defined in section
23 152) of such individual, but only to the extent
24 such amounts are not compensated for by in-
25 surance or otherwise.

1 “(C) QUALIFIED LONG-TERM CARE INSUR-
2 ANCE.—

3 “(i) IN GENERAL.—Subject to clauses
4 (i) and (ii), the term ‘qualified long-term
5 care insurance’ means insurance under a
6 policy or rider, which is issued by a quali-
7 fied issuer, which meets standards at least
8 as stringent as those set forth in the Janu-
9 ary 1990 Long-Term Care Insurance
10 Model Regulation of the National Associa-
11 tion of Insurance Commissioners, and
12 which is certified by the Secretary of
13 Health and Human Services (in accord-
14 ance with procedures similar to the proce-
15 dures prescribed in section 1882 of the So-
16 cial Security Act (42 U.S.C. 1385ss) used
17 in the certification of medicare supple-
18 mental policies (as defined in subsection
19 (g)(1) of such section)) to be advertised,
20 marketed, offered, or designed to provide
21 coverage—

22 “(I) for not less than 12 consecu-
23 tive months for each covered person
24 who has attained age 50,

1 “(II) on an expense incurred, in-
2 demnity, or prepaid basis,

3 “(III) for 1 or more medically
4 necessary, diagnostic services, preven-
5 tive services, therapeutic services, re-
6 habilitation services, maintenance
7 services, or personal care services, and

8 “(IV) provided in a setting other
9 than an acute care unit of a hospital.

10 The requirement of subclause (IV) shall be
11 met only if at least 1 of the settings in
12 which such coverage is provided is the pa-
13 tient’s home.

14 “(ii) COVERAGE SPECIFICALLY EX-
15 CLUDED.—Such term does not include any
16 insurance under any policy or rider which
17 is offered primarily to provide any com-
18 bination of the following kinds of coverage:

19 “(I) Basic Medicare supplement
20 coverage.

21 “(II) Basic hospital-based acute
22 care expense coverage.

23 “(III) Basic medical-surgical ex-
24 pense coverage.

1 “(IV) Hospital confinement in-
2 demnity coverage.

3 “(V) Major medical expense cov-
4 erage.

5 “(VI) Disability income protec-
6 tion coverage.

7 “(VII) Accident only coverage.

8 “(VIII) Specified disease cov-
9 erage.

10 “(IX) Specified accident cov-
11 erage.

12 “(X) Limited benefit health cov-
13 erage.

14 “(iii) QUALIFIED ISSUER.—For pur-
15 poses of clause (i), the term ‘qualified is-
16 suer’ means any of the following:

17 “(I) Private insurance company.

18 “(II) Fraternal benefit society.

19 “(III) Nonprofit health corpora-
20 tion.

21 “(IV) Nonprofit hospital corpora-
22 tion.

23 “(V) Nonprofit medical service
24 corporation.

25 “(VI) Prepaid health plan.

1 “(4) QUALIFIED CATASTROPHIC COVERAGE
2 HEALTH PLAN.—The term ‘qualified catastrophic
3 coverage health plan’ means any health plan which
4 is certified by the Secretary of Health and Human
5 Services as a plan—

6 “(A) which provides no compensation for
7 medical expenses not exceeding \$3,000 during
8 any year,

9 “(B) which requires the individual to pay
10 15 percent of such individual’s medical expenses
11 to the extent they exceed \$3,000 but not
12 \$9,000 during any year, and

13 “(C) which provides full reimbursement for
14 medical expenses exceeding \$9,000.

15 “(5) TIME WHEN CONTRIBUTIONS DEEMED
16 MADE.—A taxpayer shall be deemed to have made a
17 contribution on the last day of the preceding taxable
18 year if the contribution is made on account of such
19 taxable year and is made not later than the time
20 prescribed by law for filing the return for such tax-
21 able year (not including extensions thereof).

22 “(d) TAX TREATMENT OF DISTRIBUTIONS.—

23 “(1) IN GENERAL.—Except as otherwise pro-
24 vided in this subsection, any amount paid or distrib-
25 uted out of a medical savings account shall be in-

1 cluded in the gross income of the individual for
2 whose benefit such account was established unless
3 such amount is used exclusively to pay the qualified
4 medical expenses of such individual.

5 “(2) EXCESS CONTRIBUTIONS RETURNED BE-
6 FORE DUE DATE OF RETURN.—Paragraph (1) shall
7 not apply to the distribution of any contribution paid
8 during a taxable year to a medical savings account
9 to the extent that such contribution exceeds the
10 amount allowable as a deduction under subsection
11 (a) if—

12 “(A) such distribution is received on or be-
13 fore the day prescribed by law (including exten-
14 sions of time) for filing such individual’s return
15 for such taxable year,

16 “(B) no deduction is allowed under sub-
17 section (a) with respect to such excess contribu-
18 tion, and

19 “(C) such distribution is accompanied by
20 the amount of net income attributable to such
21 excess contribution.

22 Any net income described in subparagraph (C) shall
23 be included in the gross income of the individual for
24 the taxable year in which it is received.

25 “(e) TAX TREATMENT OF ACCOUNTS.—

1 “(1) EXEMPTION FROM TAX.—A medical sav-
2 ings account is exempt from taxation under this sub-
3 title unless such account has ceased to be an invest-
4 ment savings account by reason of paragraph (2).
5 Notwithstanding the preceding sentence, any such
6 account is subject to the taxes imposed by section
7 511 (relating to imposition of tax on unrelated busi-
8 ness income of charitable, etc. organizations).

9 “(2) LOSS OF EXEMPTION OF ACCOUNT WHERE
10 INDIVIDUAL ENGAGES IN PROHIBITED TRANS-
11 ACTION.—

12 “(A) IN GENERAL.—If, during any taxable
13 year of the individual for whose benefit the
14 medical savings account was established, such
15 individual engages in any transaction prohibited
16 by section 4975 with respect to the account, the
17 account ceases to be a medical savings account
18 as of the first day of that taxable year.

19 “(B) ACCOUNT TREATED AS DISTRIBUTING
20 ALL ITS ASSETS.—In any case in which any ac-
21 count ceases to be a medical savings account by
22 reason of subparagraph (A) on the first day of
23 any taxable year, paragraph (1) of subsection
24 (d) applies as if there were a distribution on
25 such first day in an amount equal to the fair

1 market value (on such first day) of all assets in
2 the account (on such first day).

3 “(3) EFFECT OF PLEDGING ACCOUNT AS SECUR-
4 RITY.—If, during any taxable year, the individual for
5 whose benefit a medical savings account was estab-
6 lished uses the account or any portion thereof as se-
7 curity for a loan, the portion so used is treated as
8 distributed to that individual.

9 “(f) ADDITIONAL TAX ON CERTAIN AMOUNTS IN-
10 CLUDED IN GROSS INCOME.—

11 “(1) DISTRIBUTION NOT USED FOR QUALIFIED
12 MEDICAL EXPENSES.—If a distribution from a medi-
13 cal savings account is made, and not used to pay the
14 qualified medical expenses of the individual for
15 whose benefit the account was established, the tax li-
16 ability of such individual for the taxable year in
17 which such distribution is received shall be increased
18 by an amount equal to 10 percent of the amount of
19 the distribution which is includible in gross income
20 for such taxable year.

21 “(2) DISQUALIFICATION CASES.—If an amount
22 is includible in the gross income of an individual for
23 a taxable year under subsection (e), his tax under
24 this chapter for such taxable year shall be increased

1 by an amount equal to 10 percent of such amount
2 includible in his gross income.

3 “(3) DISABILITY OR DEATH CASES.—Para-
4 graphs (1) and (2) do not apply if the payment or
5 distribution is made after the individual for whose
6 benefit the medical savings account was established
7 becomes disabled within the meaning of section
8 72(m)(7) or dies.

9 “(g) SPECIAL RULES.—

10 “(1) COMMUNITY PROPERTY LAWS.—This sec-
11 tion shall be applied without regard to any commu-
12 nity property laws.

13 “(2) CUSTODIAL ACCOUNTS.—For purposes of
14 this section, a custodial account shall be treated as
15 a trust if—

16 “(A) the assets of such account are held by
17 a bank (as defined in section 408(n)) or an-
18 other person who demonstrates to the satisfac-
19 tion of the Secretary that the manner in which
20 he will administer the account will be consistent
21 with the requirements of this section, and

22 “(B) the custodial account would, except
23 for the fact that it is not a trust, constitute a
24 medical savings account described in subsection
25 (c).

1 For purposes of this title, in the case of a custodial
2 account treated as a trust by reason of the preceding
3 sentence, the custodian of such account shall be
4 treated as the trustee thereof.

5 “(3) DENIAL OF DEDUCTIONS.—No amount
6 paid or distributed from a medical savings account
7 shall be taken into account in determining the de-
8 duction provided by section 213.

9 “(h) INFLATION ADJUSTMENT.—

10 “(1) IN GENERAL.—In the case of any taxable
11 year beginning in a calendar year after 1994, each
12 applicable dollar amount shall be increased by an
13 amount equal to—

14 “(A) such dollar amount, multiplied by

15 “(B) the cost-of-living adjustment for the
16 calendar year in which the taxable year begins.

17 “(2) COST-OF-LIVING ADJUSTMENT.—For pur-
18 poses of paragraph (1), the cost-of-living adjustment
19 for any calendar year is the percentage (if any) by
20 which—

21 “(A) the deemed average total wages (as
22 defined in section 209(k) of the Social Security
23 Act) for the preceding calendar year, exceeds

24 “(B) the deemed average total wages (as
25 so defined) for calendar year 1993.

1 “(3) APPLICABLE DOLLAR AMOUNT.—For pur-
2 poses of paragraph (1), the term ‘applicable dollar
3 amount’ means—

4 “(A) the \$4,800 and \$1,000 amounts in
5 subsection (b), and

6 “(B) the \$3,000 and \$9,000 amounts in
7 subsection (c)(4).

8 “(4) ROUNDING.—If any amount as adjusted
9 under paragraph (1) is not a multiple of \$10, such
10 amount shall be rounded to the nearest multiple of
11 \$10 (or, if such amount is a multiple of \$5 and not
12 of \$10, such amount shall be rounded to the next
13 highest multiple of \$10).

14 “(i) REPORTS.—The trustee of a medical savings ac-
15 count shall make such reports regarding such account to
16 the Secretary and to the individual for whose benefit the
17 account is maintained with respect to contributions, dis-
18 tributions, and such other matters as the Secretary may
19 require under regulations. The reports required by this
20 subsection shall be filed at such time and in such manner
21 and furnished to such individuals at such time and in such
22 manner as may be required by those regulations.”

23 (b) DEDUCTION ALLOWED IN ARRIVING AT AD-
24 JUSTED GROSS INCOME.—Paragraph (7) of section 62(a)

1 of such Code (relating to retirement savings) is amend-
2 ed—

3 (1) by inserting “OR MEDICAL EXPENSE” after
4 “RETIREMENT” in the heading of such paragraph,
5 and

6 (2) by inserting before the period at the end
7 thereof the following: “and the deduction allowed by
8 section 220 (relating to deduction of certain pay-
9 ments to medical savings accounts)”.

10 (c) TAX ON EXCESS CONTRIBUTIONS.—Section 4973
11 of such Code (relating to tax on excess contributions to
12 individual retirement accounts, certain section 403(b) con-
13 tracts, and certain individual retirement annuities) is
14 amended—

15 (1) by inserting “**MEDICAL SAVINGS AC-**
16 **COUNTS,**” after “**ACCOUNTS,**” in the heading of
17 such section,

18 (2) by redesignating paragraph (2) of sub-
19 section (a) as paragraph (3) and by inserting after
20 paragraph (1) the following:

21 “(2) a medical savings account (within the
22 meaning of section 220(c)),”,

23 (3) by striking “or” at the end of paragraph
24 (1) of subsection (a), and

1 (4) by adding at the end thereof the following
2 new subsection:

3 “(d) EXCESS CONTRIBUTIONS TO MEDICAL SAVINGS
4 ACCOUNTS.—For purposes of this section, in the case of
5 a medical savings account, the term ‘excess contributions’
6 means the amount by which the amount contributed for
7 the taxable year to the account exceeds the amount allow-
8 able as a deduction under section 220 for such taxable
9 year. For purposes of this subsection, any contribution
10 which is distributed out of the medical savings account
11 and a distribution to which section 220(d)(2) applies shall
12 be treated as an amount not contributed.”

13 (d) TAX ON PROHIBITED TRANSACTIONS.—Section
14 4975 of such Code (relating to prohibited transactions)
15 is amended—

16 (1) by adding at the end of subsection (c) the
17 following new paragraph:

18 “(4) SPECIAL RULE FOR MEDICAL SAVINGS AC-
19 COUNTS.—An individual for whose benefit a medical
20 savings account is established shall be exempt from
21 the tax imposed by this section with respect to any
22 transaction concerning such account (which would
23 otherwise be taxable under this section) if, with re-
24 spect to such transaction, the account ceases to be

1 a medical savings account by reason of the applica-
 2 tion of section 220(e)(2)(A) to such account.”, and

3 (2) by inserting “or a medical savings account
 4 described in section 220(c)” in subsection (e)(1)
 5 after “described in section 408(a)”.

6 (e) FAILURE TO PROVIDE REPORTS ON MEDICAL
 7 SAVINGS ACCOUNTS.—Section 6693 of such Code (relat-
 8 ing to failure to provide reports on individual retirement
 9 account or annuities) is amended—

10 (1) by inserting “**OR ON MEDICAL SAVINGS**
 11 **ACCOUNTS**” after “**ANNUITIES**” in the heading of
 12 such section, and

13 (2) by adding at the end of subsection (a) the
 14 following: “The person required by section 220(i) to
 15 file a report regarding a medical savings account at
 16 the time and in the manner required by such section
 17 shall pay a penalty of \$50 for each failure unless it
 18 is shown that such failure is due to reasonable
 19 cause.”

20 (f) CLERICAL AMENDMENTS.—

21 (1) The table of sections for part VII of sub-
 22 chapter B of chapter 1 of such Code is amended by
 23 striking the item relating to section 220 and insert-
 24 ing the following:

“Sec. 220. Medical savings accounts.
 “Sec. 221. Cross reference.”

1 (2) The table of sections for chapter 43 of such
 2 Code is amended by striking the item relating to sec-
 3 tion 4973 and inserting the following:

 “Sec. 4973. Tax on excess contributions to individual retirement
 accounts, medical savings accounts, certain 403(b)
 contracts, and certain individual retirement annu-
 ities.”

4 (3) The table of sections for subchapter B of
 5 chapter 68 of such Code is amended by inserting “or
 6 on medical savings accounts” after “annuities” in
 7 the item relating to section 6693.

8 (g) EFFECTIVE DATE.—The amendments made by
 9 this section shall apply to taxable years beginning after
 10 December 31, 1993.

11 **SEC. 6. UNUSED AMOUNTS IN FLEXIBLE SPENDING AC-**
 12 **COUNTS TRANSFERABLE TO MEDICAL SAV-**
 13 **INGS ACCOUNTS.**

14 (a) IN GENERAL.—Subsection (d) of section 125 of
 15 the Internal Revenue Code of 1986 (relating to cafeteria
 16 plans) is amended by adding at the end thereof the follow-
 17 ing new paragraph:

18 “(3) UNUSED AMOUNTS TRANSFERABLE TO
 19 MEDICAL SAVINGS ACCOUNTS.—

20 “(A) IN GENERAL.—Subsection (a) shall
 21 not fail to apply to a participant in a plan, and
 22 a plan shall not fail to be treated as a cafeteria
 23 plan, solely because under the plan amounts not

1 paid out as reimbursements under a flexible
2 spending arrangement for health and disability
3 for the benefit of an individual are contributed
4 to a medical savings account (as defined in sec-
5 tion 220(c)) for the benefit of such individual.

6 “(B) SPECIAL RULES.—

7 “(i) TIMING OF CONTRIBUTIONS.—

8 Contributions made under this paragraph
9 shall be made on the last day of the plan
10 year of the cafeteria plan.

11 “(ii) AVAILABILITY REQUIREMENT.—

12 Subparagraph (A) shall apply only if the
13 plan is available to at least 80 percent of
14 the employees of the employer. For pur-
15 poses of the preceding sentence, there shall
16 be excluded employees who are excluded
17 under section 414(q)(8) or who would be
18 so excluded if ‘30’ were substituted for
19 ‘17½’ in subparagraph (B) thereof.”

20 (b) TREATMENT OF AMOUNTS RECEIVED BY QUALI-
21 FIED CASH OR DEFERRED ARRANGEMENT.—

22 (1) Paragraph (2) of section 401(k) of such
23 Code is amended by striking “and” at the end of
24 subparagraph (C), by striking the period at the end
25 of subparagraph (D) and inserting “, and”, and by

1 adding at the end thereof the following new sub-
2 paragraph:

3 “(E) which provides that, with respect to
4 amounts held by the trust which are attrib-
5 utable to contributions made to the trust pursu-
6 ant to section 125(d)(3)—

7 “(i) an employee’s right to such
8 amounts is nonforfeitable, and

9 “(ii) such amounts may be used only
10 to pay expenses (not compensated for by
11 insurance or otherwise) for the medical
12 care (as defined in section 213) of the em-
13 ployee, the spouse of the employee, or any
14 dependent (as defined in section 152) of
15 the employee.”

16 (2) Subsection (k) of section 401 of such Code
17 is amended by adding at the end thereof the follow-
18 ing new paragraph:

19 “(11) TREATMENT OF AMOUNTS RECEIVED
20 FROM MEDICAL SAVINGS ARRANGEMENTS.—Con-
21 tributions made to a trust by reason of section
22 125(d)(3) shall not be taken into account under
23 paragraph (3)(A)(ii), and subsection (l) shall not
24 apply to such contributions.”

1 (c) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to taxable years beginning after
3 December 31, 1993.

4 **SEC. 7. VOUCHERS FOR INDIVIDUALS ELIGIBLE TO PAR-**
5 **TICIPATE IN MEDICAL SAVINGS ACCOUNTS.**

6 (a) IN GENERAL.—

7 (1) ESTABLISHMENT OF PROGRAM.—The Sec-
8 retary of the Treasury shall establish a program
9 under which eligible individuals may obtain health
10 insurance vouchers to be used during such taxable
11 year to make payments for qualified medical ex-
12 penses.

13 (2) DEFINITIONS.—In this section, the terms
14 “eligible individuals” and “qualified medical ex-
15 penses” have the meaning given such terms in sec-
16 tion 220(c) of the Internal Revenue Code of 1986
17 (as added by section 5(a)).

18 (b) USE OF DESIGNATED STATE AGENCIES.—Under
19 the program established pursuant to subsection (a), each
20 State shall enter into an agreement with the Secretary of
21 the Treasury under which an agency designated by the
22 State shall—

23 (1) receive applications from individuals resid-
24 ing in the State for vouchers described in subsection
25 (a);

1 (2) using forms provided by the Secretary, de-
2 termine whether the individual is likely to be consid-
3 ered an eligible individual under such subsection;

4 (3) if the agency determines that an individual
5 is likely to be considered such an eligible individual
6 for such taxable year, issue the individual a health
7 insurance voucher the value of which is equal to 50
8 percent of the agency's best estimate of the total
9 contributions to the individual's medical savings ac-
10 count (as described in section 220 of the Internal
11 Revenue Code of 1986) that will be available for
12 payments for qualified medical expenses for such
13 taxable year; and

14 (4) submit regular reports notifying the Sec-
15 retary of those individuals in the State to whom
16 such health insurance vouchers are issued during the
17 year and the value of such vouchers.

18 (c) APPLICATION PROCESS.—Each individual may
19 apply for 2 health insurance vouchers for a taxable year,
20 at 6-month intervals (or at such other intervals as may
21 be prescribed). In order to obtain a health insurance
22 voucher, an individual shall submit to the designated agen-
23 cy of the State in which the individual resides an applica-
24 tion (at such time and in such form as the State and the

1 Secretary may require) containing such information and
2 assurances as the State and the Secretary may require.

3 (d) APPLICATION AGAINST COSTS OF QUALIFIED
4 MEDICAL EXPENSES.—A health insurance voucher issued
5 to an individual pursuant to this section for a year may
6 be presented to an entity in full or partial payment of the
7 entity's charges for the individual for qualified medical ex-
8 penses during the year. If an individual presents the entity
9 with such a voucher, the entity shall accept the voucher
10 toward payment of the entity's charges for the individual
11 for the year.

12 (e) PAYMENT TO PROVIDERS.—

13 (1) AMOUNT.—Except as otherwise provided in
14 this paragraph, an entity providing services for
15 which an eligible individual incurs qualified medical
16 expenses shall be entitled, upon presentation to the
17 Secretary (or his designee) of an individual's voucher
18 and of information used by the entity to determine
19 the individual's applicable charges, to payment in
20 the amount of the voucher.

21 (2) CHARGES LESS THAN VOUCHER AMOUNT.—

22 If the amount of a voucher issued to an individual
23 pursuant to this subsection is greater than the
24 amount of the individual's applicable charges, the
25 entity shall be entitled to payment under paragraph

1 (1) only in the amount of the individual's applicable
2 charges.

3 (3) OFFSETTING PAYMENTS.—If an entity has
4 received prepayment of an individual's applicable
5 charges for any period for which the individual's
6 voucher is in effect, the amount of the payment to
7 which the entity is otherwise entitled under para-
8 graph (1) shall be reduced to the extent of such
9 charges paid.

10 (4) ACCEPTANCE OF CERTAIN IMPROPER
11 VOUCHERS.—The Secretary may not deny payment
12 under paragraph (1) to an entity because a voucher
13 presented for payment was erroneously issued, im-
14 properly transferred, forged, counterfeited, or other-
15 wise invalid, unless the entity had knowledge of such
16 invalidity at the time of its acceptance of the vouch-
17 er.

18 (f) REFUNDABLE CREDIT TO PROVIDERS.—Subpart
19 C of part IV of subchapter A of chapter 1 of such Code
20 (relating to refundable credits) is amended by redesignat-
21 ing section 35 as section 36 and by inserting after section
22 34 the following new section:

23 **“SEC. 35. HEALTH INSURANCE VOUCHERS.**

24 “There shall be allowed as a credit against the tax
25 imposed by this subtitle an amount equal to the aggregate

1 amount of vouchers received during the taxable year pur-
 2 suant to section 7(a) of the Health Care Accessibility Ex-
 3 pansion Act of 1993 as payment for providing services for
 4 which individuals incur qualified medical expenses (as
 5 such terms are defined under such section).”.

6 **SEC. 8. JOINT USE OF HIGH TECHNOLOGY EQUIPMENT AND**
 7 **SERVICES BY HOSPITALS.**

8 (a) WAIVER OF ANTITRUST LAWS.—

9 (1) IN GENERAL.—Notwithstanding any provi-
 10 sion of the antitrust laws, it shall not be considered
 11 a violation of the antitrust laws for hospitals to
 12 jointly undertake, in the provision of care, the pur-
 13 chasing, contracting for, or sharing of high tech-
 14 nology equipment and services.

15 (2) ANTITRUST LAWS DEFINED.—For purposes
 16 of this subsection, the term “antitrust laws”
 17 means—

18 (A) the Act entitled “An Act to protect
 19 trade and commerce against unlawful restraints
 20 and monopolies”, approved July 2, 1890, com-
 21 monly known as the “Sherman Act” (26 Stat.
 22 209; chapter 647; 15 U.S.C. 1 et seq.);

23 (B) the Federal Trade Commission Act,
 24 approved September 26, 1914 (38 Stat. 717;
 25 chapter 311; 15 U.S.C. 41 et seq.);

1 (C) the Act entitled “An Act to supple-
 2 ment existing laws against unlawful restraints
 3 and monopolies, and for other purposes”, ap-
 4 proved October 15, 1914, commonly known as
 5 the “Clayton Act” (38 Stat. 730; chapter 323;
 6 15 U.S.C. 12 et seq.; 18 U.S.C. 402, 660,
 7 3285, 3691; 29 U.S.C. 52, 53); and

8 (D) any State antitrust laws that would
 9 prohibit the activities described in subsection
 10 (a).

11 (b) GRANTS.—Title VI of the Public Health Service
 12 Act (42 U.S.C. 291 et seq.) is amended—

13 (1) by redesignating part D as part E; and

14 (2) by inserting after section 633 the following
 15 new part:

16 “PART D—EQUIPMENT AND SERVICES

17 “**SEC. 637. HIGH TECHNOLOGY EQUIPMENT AND SERVICES.**

18 “(a) ESTABLISHMENT.—The Secretary shall estab-
 19 lish and carry out demonstration projects to assist hos-
 20 pitals in acquiring and sharing high technology equipment
 21 and services. In carrying out the demonstration projects,
 22 the Secretary shall make grants to States for the purpose
 23 of paying the Federal share of the costs of assisting hos-
 24 pitals to jointly purchase, contract for, or share high tech-

1 nology equipment and services in order to eliminate unnec-
2 essary duplication of the equipment and services.

3 “(b) AWARD OF GRANTS.—The Secretary shall allo-
4 cate grants under this section in accordance with criteria
5 prescribed by the Secretary.

6 “(c) DURATION OF GRANTS.—Grants made under
7 this section may be made for periods not to exceed 3 years.

8 “(d) APPLICATION.—To be eligible to receive a grant
9 under this section, a State, acting through the appropriate
10 State health authority, shall submit an application at such
11 time, in such manner, and containing such agreements,
12 assurances, and information as the Secretary determines
13 necessary to carry out this section. At a minimum, the
14 application shall include—

15 “(1) a State plan that describes the manner in
16 which the State health authority will assist hospitals
17 in undertaking the joint activities described in sub-
18 section (a);

19 “(2) a description of the criteria and procedures
20 the State health authority will use to select hospitals
21 to be assisted under this section; and

22 “(3) an assurance that the State will provide 50
23 percent of the cost of the demonstration project
24 from non-Federal funds.

1 “(e) FEDERAL SHARE.—The Federal share of the
2 cost of carrying out any State plan under this section shall
3 be 50 percent.

4 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 such sums as may be necessary for each of the 1993
7 through 1996 fiscal years.”.

○

HR 2367 IH——2

HR 2367 IH——3